

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hegde, et al.

Title: METHOD AND SYSTEM FOR DELIVERING
TECHNOLOGY AGNOSTIC RICH MEDIA
CONTENT WITHIN AN EMAIL, BANNER
AD, AND WEB PAGE

Appl. No.: 10/084,258

Filing Date: 2/25/2002

Examiner: Kyle R. Stork

Art Unit: 2178

Conf. No. 3975

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR
PATENT APPLICATION UNDER 37 C.F.R. §1.705(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants have calculated PTA for the captioned patent application and have determined that the patent is entitled to 454 days of Patent Term Adjustment, as shown on the attached sheet, which shows the relevant delays under 37 CFR §§1.702, 1.703 and 1.704:

(a) Total PTO delay: 990 days

(b) Total Applicant delay: 536 days

Final PTA Determination under 37 CFR §1.703(f): 454 days

In accordance with 1.705(b)(2)(ii), the relevant dates as specified in §§1.703(a) through (e) for which an adjustment is sought and the adjustment as specified in § 1.703(f) to which the patent is entitled are clearly represented in the attached PTA Calculation.

The relevant dates where the applicant is not in agreement with the PTO's determination are discussed in more detail below.

The above discrepancy occurs as a result of the PTO's failure to include 333 days of additional PTA accumulated in applicant's favor based on the provisions of 37 C.F.R. §§ 1.702(b)(1) and 1.703(b)(1), wherein PTA begins to accumulate in applicant's favor on the day after the commencement of three years from the filing date.

A Request for Continued Examination was first filed in the application prior to allowance, and Patent Term Adjustment accordingly stopped accruing under 37 C.F.R. §1.703(b) on January 25, 2006. This PTA component was accordingly "ripe" at the time of allowance and accordingly could have been incorporated into the PTO's determination of PTA.

37 C.F.R. §1.705(d) states that "Any request for reconsideration under this section that raises issues that were raised, or could have been raised, in an application for patent term adjustment under paragraph (b) of this section shall be dismissed as untimely as to those issues." As the above-identified issue could arguably be raised under paragraph (b), the applicant is filing this request for reconsideration under an abundance of caution, in the knowledge that the PTO does not include patent term adjustment resulting from 37 C.F.R. §1.703(b) in its PTA calculations at allowance, even if PTA has stopped accruing due to the filing of an RCE.

In accordance with §1.705(b)(2)(iv)(A), the circumstances during the prosecution of the application resulting in the patent that constitute a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704 are clearly represented in the attached PTA Calculation.

Applicants therefore respectfully request that the patent be accorded 454 days PTA.

Fees in the amount of \$200.00 set forth in 37 C.F.R. § 1.18(e) to cover the fee for this request are being paid by credit card via EFS-Web.

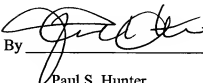
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. § 1.705, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

However, because this PTA error is due to a Patent Office error in interpreting and applying the PTA statute, a refund of the fee is respectfully requested.

Date September 12, 2011

FOLEY & LARDNER LLP
Customer Number: 23524
Telephone: (608) 258-4292
Facsimile: (608) 258-4258

Respectfully submitted,

By 

Paul S. Hunter
Attorney for Applicants
Registration No. 44,787

Patent Term Adjustment Calculation System

Add a new event to this case

Docket Number: 088245-5465

Application Number: 10/084258

Patent Number: N/A

	Event Description	Event Date	Days from Filing	PTO Days	Applicant Days
Edit Delete	Application Filing Date	02/25/2002	0		
	14 month From Application date	04/25/2003	424		
Edit Delete	Non-Final Office Action	02/10/2005	1,081	657	
	3 Year Period Starts	02/25/2005	1,096		
	Non-Final Office Action + 3 months	05/10/2005	1,170		
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	06/10/2005	1,201		31
Edit Delete	Final Office Action	07/26/2005	1,247		
	Final Office Action + 3 months	10/26/2005	1,339		
Edit Delete	Final Office Action Response Received at PTO	10/26/2005	1,339		
Edit Delete	Advisory Action	11/08/2005	1,352		
	3 Year Period Stopped	01/24/2006	1,429	333	
Edit Delete	Request For Continued Examination (including amendment)	01/25/2006	1,430		91
Edit Delete	Non-Final Office Action	04/18/2006	1,513		
	Non-Final Office Action + 3 months	07/18/2006	1,604		
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	10/18/2006	1,696		92
Edit Delete	Final Office Action	12/11/2006	1,750		
Edit Delete	Examiner Interview	02/12/2007	1,813		
	Final Office Action + 3 months	03/11/2007	1,840		
Edit Delete	Request For Continued Examination (including amendment)	06/11/2007	1,932		92
Edit Delete	Non-Final Office Action	08/23/2007	2,005		
	Non-Final Office Action + 3 months	11/23/2007	2,097		
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	02/22/2008	2,188		91
Edit Delete	Final Office Action	06/02/2008	2,289		
	Final Office Action + 3 months	09/02/2008	2,381		
Edit Delete	Request For Continued Examination (including amendment)	10/02/2008	2,411		30
Edit Delete	Non-Final Office Action	10/31/2008	2,440		
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	12/01/2008	2,471		
Edit Delete	Notice of Non-Compliance	12/03/2008	2,473		

Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	01/30/2009	2,531	60
Edit Delete	Final Office Action	03/31/2009	2,591	
	Final Office Action + 3 months	06/30/2009	2,682	
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Edit Delete	Non-Final Office Action	09/04/2009	2,748	
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	12/03/2009	2,838	
Edit Delete	Final Office Action	03/02/2010	2,927	
Edit Delete	Request For Continued Examination (including amendment)	04/27/2010	2,983	
Edit Delete	Non-Final Office Action	05/05/2010	2,991	
CLOSE WINDOW ALL CASES SELECT CASE				
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	08/05/2010	3,083	
Edit Delete	Non-Final Office Action	10/15/2010	3,154	
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	12/10/2010	3,210	
Edit Delete	Non-Final Office Action	02/08/2011	3,270	
Edit Delete	Terminal Disclaimer Received at PTO	03/25/2011	3,315	
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	03/25/2011	3,315	
Edit Delete	IDS Rcv'd at PTO - No Statement under 1.704(d)	04/12/2011	3,333	18
Edit Delete	Notice of Allowance	06/16/2011	3,398	
	Projected Patent Grant Date	12/27/2011	3,592	
Totals:			990	536
PTA:			454	

Created and maintained by

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Version: 3.02.11

LOGIN: Victoria Downing

IP: 10.24.5.12

Foley & Lardner LLP